

CHAPTER 1044 Water Supply Emergency

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CROSS REFERENCES

Sanitation Authority - see ADM. Ch. 260

Application of water well regulations - see S. U. & P.S. 1040.02

Application of water system regulations - see S.U. & P.S. 1042.01

Water facilities in subdivisions - see P. & Z. 1245.08

1044.01 SHORT TITLE.

This chapter shall be known and may be cited as the Water Supply Emergency Ordinance of the County. (Ord. 79-02. Passed 12-3-79.)

1044.02 PURPOSE.

The purpose of this chapter is to provide for the necessary curtailment of water usage through voluntary and mandatory restrictions during a critical water supply situation affecting the County and its adjacent service area.
(Ord. 79-02. Passed 12-3-79.)

1044.03 SCOPE.

This chapter shall apply only to County residents using water supplied by public water systems operated by the Loudoun County Sanitation Authority.
(Ord. 79-02. Passed 12-3-79.)

1044.04 DEFINITIONS.

As used in this chapter:

- (a) "Alert stage" means a stage of preparedness for a water supply shortage requiring increased surveillance of a potentially critical condition and warnings given of a possible shortage. (Ord. 79-02. Passed 12-3-79.)
- (b) "Critical stage" means a condition in which the total daily withdrawal of water from a water source serving County residents significantly exceeds the water flow of such source, or a condition in which the water supply system is not or may not be able to meet the expected demand, or a condition in which, for any reason, a water supply shortage exists or can be reasonably expected to exist if special water conservation actions are not taken. (Ord. 88-13. Passed 8-1-88.)
- (c) "Emergency stage" means a stage of preparedness for an existing critical water supply shortage (possibly leading to a water outage emergency) requiring mandatory curtailment of nonessential water use.
- (d) "Restriction stage" means a stage of preparedness for an existing water supply shortage requiring voluntary curtailment of nonessential water use.
- (e) "Water outage emergency" means a condition in which the supply of water from one or more water suppliers has ceased or is in jeopardy of cessation; is severely limited due to water system failure; or is polluted; and because of which immediate action is required by governments and agencies concerned to provide minimum necessary potable water for human consumption, to inform the public and to protect the health, safety and welfare of the population in the area affected.
- (f) "Water shortage emergency" means a condition in which the normal supply of potable water from one or more water suppliers is or may be limited to the extent that special water conservation actions or water allocations from available sources are required to protect the health, safety and welfare or the population in the area affected. (Ord. 79-02. Passed 12-3-79.)

1044.05 WATER USE RESTRICTION; DECLARATION OF WATER SHORTAGE ALERT STAGE.

When the County Administrator, in consultation with the Loudoun County Sanitation Authority, determines that the County's water supply has reached a critical stage, the water shortage alert stage shall be declared. The County Administrator or his designee shall make all reasonable efforts to notify the residents of the County that the County is entering the alert stage and water usage should be reduced as much as possible. In addition, all water users shall be requested to inspect all plumbing and to repair all leaks. (Ord. 88-13. Passed 8-1-88.)

1044.06 DECLARATION OF WATER SHORTAGE RESTRICTION STAGE.

(a) When the County Administrator, in consultation with the Loudoun County Sanitation Authority, determines that the County's water supply has reached a critical stage beyond an alert stage, the water shortage restriction stage shall be declared by the County Administrator. The County Administrator or his designee shall make all reasonable efforts to notify the residents and businesses within the County that a restriction stage has been declared and that voluntary restriction of water usage is requested.

Specifically, the County Administrator may request the public to refrain from one or more of the following water usages:

- (1) Watering of lawns and other vegetation through the use of hoses or sprinklers, but the use of buckets of water is permitted;
- (2) Washing automobiles with outside hoses;
- (3) Washing down driveways and sidewalks;
- (4) Watering or washing with a container having a capacity larger than three gallons; and
- (5) Use of all water-demanding amenities such as ornamental fountains, waterfalls and reflecting ponds.

(b) Voluntary water consumption shall be sought to limit water usage to seventy-five gallons per person per day. (Ord. 88-13. Passed 8-1-88.)

1044.07 DECLARATION OF WATER SHORTAGE EMERGENCY STAGE.

When the Board of Supervisors finds, based upon recommendations of the County Administrator and the Loudoun County Sanitation Authority, that the County's water supply has reached a critical stage and that a water shortage emergency exists, the Board may, by resolution, implement the provisions of this chapter for Water Shortage Emergency Stage Plan C-1, Plan C-2 or Plan C-3 as defined below:

- (a) Plan C-1. As a goal, residents should limit consumption to seventy-five gallons per day per person. All water users are required to inspect all plumbing and to repair all leaks as soon as practical and to reduce water pressure to a minimal level to all facilities. Use of the affected public water supply for any of the following purposes is prohibited:
 - (1) Watering of shrubbery, trees, lawns, grass, plants or any other vegetation, except from a watering can or other container not exceeding three gallons in capacity, excluding plant nurseries, golf course greens and commercial agricultural activities;
 - (2) Washing of automobiles, trucks, trailers or other mobile equipment, except in vehicle wash facilities operating with an effective and efficient water recycling system with a prominently displayed sign in public view so stating, and except from a bucket or other container not exceeding three gallons in capacity;
 - (3) Washing of streets, driveways, parking lots, service station aprons, the exterior of commercial or residential buildings or any other outdoor surfaces, except from a bucket or other container not exceeding three gallons in capacity, unless such washing is required to eliminate a hazard;
 - (4) Operation of any ornamental fountain or other structure making similar use of water;
 - (5) Filling of swimming and/or wading pools, from an empty or less than three-quarters full condition, except for home wading pools requiring not more than five gallons of water;
 - (6) Service of drinking water in restaurants, except upon request; and
 - (7) Use of water from fire hydrants, except for other than health and safety purposes.

All businesses shall post water conservation signs at all locations where water is used.

- (b) Plan C-2. As a goal, residents should limit consumption to forty gallons per day per person. In addition to those prohibitions included in Plan C-1, use of affected public water supply for any of the following purposes is prohibited:
 - (1) Adding water to any kind of indoor and outdoor swimming and/or wading pool, or to fountains, reflecting ponds or other ornamental structures;
 - (2) Any other use of water supply for outdoor recreation;
 - (3) Air conditioning with units requiring the use of water, where interior temperature is less than eighty degrees Fahrenheit, with the exception of facilities with heat sensitive materials or equipment;
 - (4) School athletic programs and other indoor or outdoor athletic and/or recreation activities, including health spas;
 - (5) Use of water for construction purposes, including hydroseeding, dust control and filling or flushing water mains for new developments;
 - (6) Commercial vehicle and automotive equipment washing, including, but not limited to, golf courses, nurseries and agricultural purposes; and
 - (7) Use of water for washing of sidewalks, exterior paved areas, vehicles, windows or other nonessential purposes.
- (c) Plan C-3. As a goal, residents should limit consumption to thirty gallons per day per person. In addition to those prohibitions included in Plans C-1 and C-2, use of affected public water supply for any of the following purposes is prohibited:
 - (1) Make-up water for air conditioners;
 - (2) Use of automatic ice-making machines in hotels and motels;
 - (3) Production or bottling of beverages;
 - (4) Operation of any commercial or industrial facility which is ordered to be closed by the local jurisdiction; and
 - (5) Use of all drinking fountains.

If the County Administrator, in consultation with the County Sanitation Authority, determines that a water shortage emergency exists, that immediate action is necessary and that it is not feasible to convene the Board of Supervisors, the County Administrator may declare such an emergency without a prior Board resolution, provided that the Board thereafter determines whether or not such an emergency continues to exist or whether such emergency must be rescinded. Plan C-1, Plan C-2 or Plan C-3 may be implemented in whole or in part by the County Administrator or by the Board. (Ord. 88-13. Passed 8-1-88.)

1044.08 WATER OUTAGE EMERGENCIES.

When the County Administrator, in consultation with the Loudoun County Sanitation Authority, determines that a water outage emergency exists, he shall declare such findings and the mandatory restrictions contained in Plans C-1, C-2 and C-3 of Section 1044.07 shall apply. Additional specific restrictions of water use may also be promulgated by the County Administrator, in consultation with the Authority, to protect the life, health and safety of the public. (Ord. 88-13. Passed 8-1-88.)

1044. 09 WAIVER OF RESTRICTIONS.

Upon specific written request by an individual, business or other affected user, the County Administrator, for good cause shown, including evidence that the applicant has a substantial problem not common to other businesses or persons generally, shall permit less than full compliance with certain of the provisions of this chapter, or waive compliance with certain provisions of this chapter, provided that adverse effects upon the public health, safety and welfare do not result from such waiver. All waivers granted by the County Administrator shall be reported to the Board of Supervisors at its next meeting. (Ord. 79-02. Passed 12-3-79.)

1044.10 APPLICATION OF STAGES; TERMINATION OF RESTRICTIONS.

Nothing in this chapter shall be construed to require either the Board of Supervisors or the County Administrator to invoke the voluntary or mandatory restrictions of the water shortage alert stage, water shortage restriction stage, water shortage emergency stage or water outage emergency in any specific order. Any restriction declared by the Board or the County Administrator pursuant to this chapter shall be effective at the time stated in the declaration and shall continue in effect until terminated or rescinded by the Board or by the County Administrator. (Ord. 88-13. Passed 8-1-88.)

1044.99 PENALTY; EQUITABLE REMEDY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter or any order of the County Administrator is guilty of a Class III misdemeanor and shall be fined not more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of a fine or penalty for a violation of or noncompliance with any of the provisions of this chapter shall not excuse the violation or noncompliance or permit it to continue.

(c) The County Administrator shall, upon the commission of a second or subsequent violation of any of the provisions of Section 1044.07 within a thirty-day period, or upon the commission of a first or subsequent violation of Section 1044.08, either cut off water supply to persons in violation for a period not to exceed five days or request the County Sanitation Authority to do so if he so determines that such action is necessary to prevent further violation. (Ord. 88-13. Passed 8-1-88.)